

REMARKS

The Office Action mailed November 29, 2005 has been carefully reviewed along with the references cited therein. In the subject Office Action, the Examiner indicated that should claim 19 be found allowable, claim 24 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. Claims 20-22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 3-8, 15-18, 27, 36-39 and 42-44 were rejected under 35 U.S.C. § 102(b) as being anticipated by Restive et al. (U.S. Patent No. 5,755,361). Claims 1, 8, 15, 18, 20-23 and 40-42 were rejected under 35 U.S.C. § 102(e) as being anticipated by John et al. (U.S. Patent No. 6,443,334). Claims 19 and 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over John et al. in view of Prueter et al. (U.S. Patent No. 6,554,211). Claims 2, 9-14 and 28-35 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In this response, applicant has amended claims 1, 19, 23, 29, 30 and 42. Applicant has added new claim 45. Applicant has canceled claims 2 and 44.

Claim 1 has been amended to include the limitation of claim 2. Claim 2 had been found allowable in the subject Office Action. Accordingly, claim 1 and those claims that depend from claim 1, are in condition for allowance.

Claim 19 has been amended in response to the § 112 rejections of claims 20-22. Claim 19 now depends from claim 18. This claim amendment provides proper antecedent basis for the internal shut-off introduced in claim 20. Furthermore, the amendment to claim 19 obviates the Examiner's objection to claim 24.

Claim 23 has been amended to more broadly define the invention.

Claims 29 and 30 have been amended to change their dependency to newly added claim 45.

Claim 42 has been amended to include the recitation of original claim 44. Original claim 44 was rejected as being anticipated by Restive et al. Claim 42 has also been amended to include "a motor for driving said pump." Restive fails to disclose such a motor. Amended claim 42 now defines over the references cited by the Examiner. Accordingly,

claims 42 and 43 are in condition for allowance.


New claim 45 has been added to the application. New claim 45 includes the recitations that were presented in original claim 42 along with reciting "a cup holder associated with said housing, said cup holder configured to receive a cap from the associated container." A similar limitation was found to be allowable in original claim 28. Accordingly, applicants respectfully assert that new claim 45 is patentable over the cited references. Since new claim 45 is patentable, the claims that depend from new claim 45 should also be found patentable.

CONCLUSION

For the reasons detailed above, it is submitted that all claims remaining in the application are now in condition for allowance. Accordingly, an early indication of the same is earnestly solicited. In any event, should the Examiner consider personal contact advantageous to the disposition of this case, he is encouraged to telephone the undersigned at the number listed below.

Respectfully submitted,

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